

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

September 13, 2006

ANTHONY NESBIT; et al.,

Plaintiffs - Appellants,

v.

DEPARTMENT OF PUBLIC SAFETY,
STATE OF HAWAII; et al.,

Defendants - Appellees.

No. 06-16623
D.C. No. CV-03-00455-SOM
04-00167-SOM

REFERRAL NOTICE

This matter is referred to the district court for the limited purpose of determining whether this appeal has been taken in good faith or is frivolous. *See* 28 USC Sec. 1915(a)(3).

If the district court is of the opinion that this appeal is frivolous or not taken in good faith, the district court is requested to complete the attached certification form and return it to this court within 21 days. If this court does not receive a completed certification form within 21 days, it will presume that the district court considers the appeal to have been taken in good faith.

This referral shall not affect the briefing schedule previously established by this court.

FOR THE COURT:

Cathy A. Catterson
Clerk of Court



By: Corina Orozco
Deputy Clerk